

Tribunal Pembeli Rumah

Written by Administrator

Thursday, 13 August 2009 14:20 -

1.

The Tribunal for Homebuyer Claims provides an easier, cheaper and faster means of dispute resolution for homebuyers claiming compensation/damages from housing

developers.

2.

The Tribunal may hear claims from buyers on condition that:

A claim is filed no later than 12 months from the date of

i) issue of the Certificate of Fitness for Occupation (CFO) of the property; or

ii) the expiry date of the defect liability period as set out in the Sales and Purchase Agreement.

b) The Sales and Purchase Agreement involves housing accommodation built in a residential area.

c) Each claim does not exceed RM25,000 per cause of action

i) the claimant agrees to forgo the balance of the claim; or

ii) the acquiescence of the developer is obtained in writing for the matter to be heard at the Tribunal.

d) Sales and Purchase Agreements signed before 1 December 2002 can also be considered provided:

i) the claims fulfil the criteria stated above;

ii) they are not housing projects by a co-operative body or governmental agency.

3. Filing and Registration Procedure

The claimant may lodge his claim with the Tribunal in Form 1 (4 copies), enclosing his statement of claim and a fee of RM10. If there are two (2) names in the Sales and Purchase Agreement, both parties must put down their names, IC numbers and signatures in the claim form (Form 1). Both parties must attend the hearing, or if they are unable to attend, issue a letter authorising a representative to act on their behalf. Once Form 1 has been filed, the claimant must personally serve a copy on the developer either by hand (receipt must be acknowledged) or by AR registered mail.

The developer may file his defence or counter-claim in Form 2 (4 copies) with a fee of RM10 within 14 days of the date of receiving a copy of Form 1.

The claimant may file his defence to the counter-claim in Form 3 with a fee of RM10.

4.

Hearing Procedures

The Tribunal will issue a notice in Form 4 stating the date, venue and time of the hearing on both the claimant and the developer, in not less than 14 days before the date of the hearing. No party shall be represented by an advocate and solicitor during a hearing before the Tribunal.

Both parties have the right to adduce evidence, call any witness, or tender any documents, records or things necessary in support of their respective claims.

At the hearing, the

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Tribunal shall, where appropriate, assist the parties to effect a settlement of the claim by consent (negotiation stage).

Upon completion of the hearing, the Tribunal will make an award.

The award must be complied with within the stipulated period set by the Tribunal's President.

Any person who fails to comply with an award made by the Tribunal commits an offence and upon conviction shall be liable to a fine not exceeding five thousand ringgit (RM5,000) or to imprisonment not exceeding two (2) years or both. In the case of a continuing offence, the offender shall be liable to a fine not exceeding one thousand ringgit (RM1,000) for each day until the award is abided by.

[**Overall Claims Procedure Flow Chart**](http://www.kpkt.gov.my/kpkt_en/main.php?Content=sections&SubSectionID=45&SectionID=4&CurLocation=4)

5. **List of Application Forms**

<ul style="list-style-type: none">Form 1 (Regulation 6) Statement of Claim in the Tribunal for Homebuyer ClaimsForm 2 (Regulation 10) Statement of Defence and Counter-Claim in the Tribunal for Homebuyer ClaimsForm 3 (Regulation 14) Defence against Counter-Claim in the Tribunal for Homebuyer Claims

6. **Further Information**

<div align="center"><table border="0"><tr><td>Secretary, Tribunal For Home Buyers Claims Ministry Of Housing & Local Government, Level 2, Block B South, Pusat Bandar Damansara, 50782 Kuala Lumpur.</td></tr><tr><td>Tel: 03-2092 4488 (Hotline) 03-2099 8389 03-2099 8402</td></tr><tr><td>Fax : 03-20934776</td></tr><tr><td>E-mail : tribunal@kpkt.gov.my</td></tr></table></div>	Secretary , Tribunal For Home Buyers Claims Ministry Of Housing & Local Government, Level 2, Block B South, Pusat Bandar Damansara, 50782 Kuala Lumpur.	Tel: 03-2092 4488 (Hotline) 03-2099 8389 03-2099 8402	Fax : 03-20934776	E-mail : tribunal@kpkt.gov.my
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